

**Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (Previously Presented). Seed of soybean variety XB09J04, representative seed of said soybean variety XB09J04 having been deposited under ATCC Accession No. PTA-6439.

Claim 2 (Original). A soybean plant, or a part thereof, produced by growing the seed of claim 1.

Claim 3 (Previously Presented). The soybean plant part of claim 2, wherein said part is pollen.

Claim 4 (Previously Presented). The soybean plant part of claim 2, wherein said part is an ovule.

Claim 5 (Previously Presented). A tissue culture of protoplasts or regenerable cells produced from the plant of claim 2.

Claim 6 (Previously Presented). The tissue culture according to claim 5, wherein the cells or protoplasts are produced from plant tissue selected from the group consisting of: leaf, pollen, cotyledon, hypocotyl, embryos, root, pod, flower, shoot and stem.

Claim 7 (Previously Presented). A soybean plant regenerated from the tissue culture of claim 5, having all the morphological and physiological characteristics of soybean variety XB09J04, representative seed of said soybean variety XB09J04 having been deposited under ATCC Accession No. PTA-6440.

Claim 8 (Previously Presented). A method for producing a progeny soybean plant comprising crossing the plant of claim 2 with a different soybean plant, harvesting the resultant soybean seed, and growing a soybean plant.